



October 29, 2018

Dear Secretary Husted,

We write to raise concerns over reports we have received of mail in ballots being returned to voters unprocessed due to insufficient postage, as well as inaccurate or incomplete instructions from local boards of elections. We request that your office work with local officials over the next two weeks to ensure that voters receive accurate information about the cost of mailing their ballots and that all ballots that are mailed are accepted and processed by local boards of elections.

Voters in Ohio have received a mix of confusing information this election cycle about how much postage is required for mail in ballots. The cost of mailing a ballot varies even within cities in a particular county, and we know that some counties mistakenly sent out inaccurate information with their absentee ballots. Given this variation and confusion, it is likely that many voters will mail their ballots without the exact postage that is required. Even voters who did receive accurate instructions may inadvertently affix insufficient postage to their ballot. Our organizations have received reports from voters that their ballots were returned due to insufficient postage.

As you are aware, the United States Postal Service's official policy is to deliver ballots that contain insufficient postage and to collect the unpaid balance from local boards of elections.<sup>1</sup> Unfortunately it appears that despite this policy some ballots are not being delivered.

We understand that your office has stated publicly that local boards of elections should accept and pay for insufficient postage on election mail.<sup>2</sup> However, a review of recent directives, advisories, and the election official manual provides no direction on this issue.

For instance, Directive 2017-02 outlines procedures for election officials to process absentee ballots. While there is guidance on prohibitions against pre-paying postage for absentee ballots and applications, there is no direction on election mail with insufficient postage. Directives in past years that address vote by mail, only address issues such as election officials' duty to contact voters who return ballots with incomplete or inaccurate information.<sup>3</sup>

To ensure that all votes are counted, your office should:

1. Issue guidance to local boards of elections instructing them to cover the costs of any unpaid postage.
2. Direct local elections officials to communicate with local post offices to ensure that all election mail is delivered, whether it contains sufficient postage or not.

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<sup>1</sup> See Postal Bulletin 22391, Requirements and Tips for Handling Official Election Mail and Political Campaign Mail, Question 19. [https://about.usps.com/postal-bulletin/2014/pb22391/html/cover\\_003.htm](https://about.usps.com/postal-bulletin/2014/pb22391/html/cover_003.htm)

<sup>2</sup> [https://www.cleveland.com/politics/index.ssf/2016/10/forget\\_a\\_stamp\\_on\\_your\\_ohio\\_ab.html](https://www.cleveland.com/politics/index.ssf/2016/10/forget_a_stamp_on_your_ohio_ab.html), retrieved October 25, 2018

<sup>3</sup> See Directives 2012-48, 2012-48-2, 2014-27, 2014-18, 2015-23, 2016-41, 2016-33

3. Work with local boards of elections to ensure that voters receive accurate information about the costs of mailing their ballots, and directly contact any voters who may have received inaccurate information. Public education may include phone calls, emails and letters to voters, as well as general social media, PSAs, and notices to local media.

We appreciate your prompt attention to this matter. If you would like to discuss this further, please feel free to contact us..

Respectfully,



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